

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION - DETROIT

POWERHOUSE MARKS, LLC,)	Civil Action No.
a Michigan limited liability company,)	
and POWERHOUSE LICENSING, LLC,)	Honorable
a Michigan limited liability company,)	
)	
Plaintiffs,)	
)	
v.)	COMPLAINT
)	AND
POWERHOUSE PHYSIQUES LLC)	JURY DEMAND
a New Jersey limited liability company,)	
)	
Defendant.)	
)	

COMPLAINT AND JURY DEMAND

NOW COME Plaintiffs Powerhouse Marks, LLC (hereafter “Powerhouse Marks”) and Powerhouse Licensing, LLC (hereafter “Powerhouse Licensing”) (collectively “Plaintiffs”) by and through their undersigned attorneys, and for their Complaint against Defendant Powerhouse Physiques LLC (hereafter “Powerhouse Physiques”) state as follows:

JURISDICTION AND VENUE

1. This is an action for trademark infringement and/or counterfeiting in violation of Section 32(a) of the Lanham Act, 15 U.S.C. §1114; unfair competition, false designation of origin, false representation, and false advertising in violation

of Section 43(a) of the Lanham Act, 15 U.S.C. §1125; trademark infringement and unfair competition under the Michigan Common Law.

2. This Court has jurisdiction under 15 U.S.C. §§1119 and 1121; 28 U.S.C. §§1331, 1332(a), 1338, and 1367.

3. Venue is proper in this district pursuant to 28 U.S.C. §1391(b) and 1391(c).

PARTIES

4. Plaintiff Powerhouse Marks is a Michigan limited liability company with its principal place of business located at 44125 W. 12 Mile Road, Ste. E118, City of Novi, County of Oakland, State of Michigan 48377.

5. Plaintiff Powerhouse Licensing is a Michigan limited liability company with its principal place of business located at 44125 W. 12 Mile Road, Ste. E118, City of Novi, County of Oakland, State of Michigan 48377.

6. Defendant Powerhouse Physiques is, upon information and belief, a New Jersey limited liability company having a principal place of business at 24 Vista Drive, City of Edison, County of Middlesex, State of New Jersey 08817.

BACKGROUND FACTS

7. Powerhouse Marks owns several trademark registrations, including, but not limited to, POWERHOUSE, POWERHOUSE GYM, and POWERHOUSE FX (collectively “the POWERHOUSE marks”). Powerhouse Marks has entered

into a master licensing agreement with Powerhouse Licensing to license the POWERHOUSE marks to third parties. Powerhouse Licensing licenses the POWERHOUSE marks for use through various licensed entities. The licensed entities use the POWERHOUSE marks in connection with, *inter alia*, body building; clothing and related products and accessories; athletic training attire; providing facilities for physical exercise, fitness, and workout for groups of people and individuals; providing group exercise and fitness classes; computer application software for accessing information about exercise routines, exercise videos, and nutritional and dietary information; and providing a website featuring information on exercise and fitness.

8. By continuous and substantial advertising, marketing, use, and promotion of the POWERHOUSE marks to date, Plaintiffs have acquired value, name recognition, and goodwill in the POWERHOUSE marks.

9. Powerhouse Marks is the owner of the POWERHOUSE mark registered on June 21, 1994, Registration No. 1,840,536, on the principal register in connection with: publications; namely, health and fitness magazines in international class 16; clothing and related products and accessories, namely, shirts, pants, sweat suits, shorts, leotards, gloves, tank tops, and sweat bands in international class 25; and body building, fitness and health facility services in international class 41.

POWERHOUSE

A copy of the registration is attached to this Complaint as Exhibit A and is incorporated by reference.

10. The POWERHOUSE registration, a copy of which is attached as Exhibit A, has become incontestable under Section 15 of the Lanham Act, 15 U.S.C. § 1065.

11. Plaintiffs have been using the POWERHOUSE mark in connection with body building and fitness and health facility services in commerce since at least 1977, and in connection with clothing and related products and accessories, namely, shirts, pants, sweat suits, shorts, leotards, gloves, tank tops, and sweat bands in commerce since at least 1979.

12. Powerhouse Marks is the owner of the POWERHOUSE GYM mark registered on October 25, 1983, Registration No. 1,255,385, on the principal register in connection with: athletic training attire—namely, t-shirts, sweatshirts, tank tops, warm up suits, jogging suits, shorts, and caps in international class 25.



A copy of the registration is attached to this Complaint as Exhibit B and is incorporated by reference.

13. The POWERHOUSE GYM registration, a copy of which is attached as Exhibit B, has become incontestable under Section 15 of the Lanham Act, 15 U.S.C. § 1065.

14. Plaintiffs have been using the POWERHOUSE GYM mark in connection with, *inter alia*, athletic training attire—namely, t-shirts, sweatshirts, tank tops, warm up suits, jogging suits, shorts, and caps in commerce since at least 1979.

15. Powerhouse Marks is the owner of the POWERHOUSE GYM mark registered on May 21, 1985, Registration No. 1,337,259, on the principal register in connection with: body building services in international class 41.



A copy of the registration is attached to this Complaint as Exhibit C and is incorporated by reference.

16. The POWERHOUSE GYM registration, a copy of which is attached as Exhibit C, has become incontestable under Section 15 of the Lanham Act, 15 U.S.C. § 1065.

17. Plaintiffs have been using the POWERHOUSE GYM mark in connection with, *inter alia*, body building services in commerce since at least 1977.

18. Powerhouse Marks is the owner of the POWERHOUSE FX mark registered on October 27, 2015, Registration No. 4,839,908, on the principal register in connection with: providing facilities for physical exercise, fitness, and workout for groups of people and individuals in international class 41.

POWERHOUSE FX

A copy of the registration is attached to this Complaint as Exhibit D and is incorporated by reference.

19. Plaintiffs have been using the POWERHOUSE FX mark in connection with, *inter alia*, providing facilities for physical exercise, fitness, and workout for groups of people and individuals in commerce since at least 2013.

20. Powerhouse Marks is the owner of the POWERHOUSE mark registered on May 6, 2014, Registration No. 4,526,650 on the principal register in connection with: computer application software for mobile phones and tablet computers, namely, software for locating health and fitness facilities including gymnasiums and accessing information about exercise routines and exercise videos and nutritional and dietary information in international class 9.

POWERHOUSE

A copy of the registration is attached to this Complaint as Exhibit E and is incorporated by reference.

21. Plaintiffs have been using the POWERHOUSE mark in connection with, *inter alia*, computer application software for mobile phones and tablet computers, namely, software for locating health and fitness facilities including gymnasiums and accessing information about exercise routines and exercise videos and nutritional and dietary information in commerce since at least 2013.

22. Powerhouse Marks is the owner of the POWERHOUSE mark registered on August 27, 2013, Registration No. 4,391,669, on the principal

register in connection with: providing a website featuring information on exercise and fitness in international class 41.

POWERHOUSE

A copy of the registration is attached to this Complaint as Exhibit F and is incorporated by reference.

23. Plaintiffs have been using the POWERHOUSE mark in connection with, *inter alia*, providing a website featuring information on exercise and fitness in commerce since at least 1999.

24. Powerhouse Marks is the owner of the POWERHOUSE GYM mark registered on November 3, 2015, Registration No. 4,843,988, on the principal register in connection with: providing facilities for physical fitness training, for body building, and for exercise; physical fitness studio services, namely, providing group exercise and fitness classes in international class 41.



A copy of the registration is attached to this Complaint as Exhibit G and is incorporated by reference.

25. Plaintiffs have been using the POWERHOUSE GYM mark in connection with, *inter alia*, providing facilities for physical fitness training, body building, and exercise; physical fitness studio services, namely, providing group exercise and fitness classes in commerce since at least 1974.

26. Defendant Powerhouse Physiques sells workout and exercise shirts bearing the word POWERHOUSE adjacent an image of an arced barbell; sells workout and exercise DVD videos that bear the word POWERHOUSE adjacent an arced barbell; offers personal and group training under the word POWERHOUSE adjacent an image of an arced barbell; and maintains a website (anowaadjah.com) that features information on exercise and fitness, and that displays the word POWERHOUSE adjacent an image of arced barbell.

27. Defendant Powerhouse Physiques, without authorization from Plaintiffs, has been using the word POWERHOUSE adjacent an image of arced barbell in commerce, including use in Michigan and elsewhere for marketing, promoting, offering, and selling its products and services.

28. Defendant Powerhouse Physiques sells, for example, a bundle package “which includes a Powerhouse T-shirt and the Powerhouse DVD Series.” Powerhouse Physiques offers a “Powerhouse Meal Guide” that can be used with

the Powerhouse DVD Series. Pages from the Powerhouse Physiques website (<http://anowaadjah.com>) showing these offers for sale, and where and how they can be directly purchased, are attached as Exhibit H and incorporated by reference.

29. Defendant Powerhouse Physiques promotes its DVDs that use the word POWERHOUSE through Vimeo, a video-sharing website in which users can upload, share, and view videos. A page from vimeo.com showing this promotion is attached as Exhibit I and incorporated by reference.

30. Defendant Powerhouse Physiques promotes its business through Facebook, using a profile picture that designates POWERHOUSE as its own trademark. Excerpts from the Powerhouse Physique Facebook page are attached as Exhibit J and incorporated by reference.

31. Defendant Powerhouse Physiques uses the word POWERHOUSE in connection with offering group fitness classes. A page from eventbrite.com showing the list of offered classes is attached as Exhibit K and incorporated by reference.

32. Defendant Powerhouse Physiques maintains a website (anowaadjah.com) that features information on exercise and fitness, and that displays the word POWERHOUSE adjacent an image of an arced barbell. Screen shots of Powerhouse Physiques' website are attached as Exhibit L and incorporated by reference.

33. Defendant Powerhouse Physiques filed trademark Application Serial No. 86511986 in the U.S. Patent and Trademark Office (USPTO) for the words POWERHOUSE PHYSIQUES for *video discs featuring exercise and fitness instruction* in International Class 009 with a first use date of at least as early as September 6, 2012; and for *t-shirts* and *tank-tops* in International Class 025 with a first use date of at least as early as January 9, 2014. On April 29, 2015, the USPTO mailed an Office Action in which the '986 trademark application was refused because of, *inter alia*, likelihood of confusion in view of five U.S. trademark registrations, all of which are owned by plaintiff Powerhouse Marks, namely: the POWERHOUSE GYM mark Registration No. 1,255,385; the POWERHOUSE GYM mark Registration No. 1,337,259; the POWERHOUSE mark Registration No. 1,840,536; the POWERHOUSE mark Registration No. 4,391,669; and the POWERHOUSE mark Registration No. 4,526,650. Defendant Powerhouse Physiques did not respond to the Office Action and its refusals, and, as a consequence, the USPTO mailed a Notice of Abandonment on November 25, 2015.

34. Defendant Powerhouse Physiques' use of the mark POWERHOUSE has caused, is continuing to cause, and is likely to cause confusion in the marketplace.

COUNT I

**Federal Trademark Infringement
Under Section 32(a) Of The Lanham Act, 15 U.S.C. §1114**

35. Plaintiffs reallege and incorporate by reference the allegations contained in paragraphs 1 through 34 of this Complaint as if fully set forth herein.

36. Defendant Powerhouse Physiques has used POWERHOUSE which is the subject of United States Trademark Registration No. 1,840,536 in interstate commerce without the consent of Plaintiffs.

37. Defendant Powerhouse Physiques' use of POWERHOUSE is likely to cause confusion, to cause mistake, and/or to deceive purchasers as to the source of Defendant Powerhouse Physiques' goods and services or as to Defendant Powerhouse Physiques' affiliation, connection, approval, or association with Plaintiffs.

38. Defendant Powerhouse Physiques' actions constitute trademark infringement in violation of Section 32(a) of the Lanham Act, 15 U.S.C. §1114.

39. Defendant Powerhouse Physiques' trademark infringement has caused and will continue to cause Plaintiffs to suffer damage to their businesses, reputations, goodwill, profits, and the strength of their trademarks, and is causing ongoing irreparable harm to Plaintiffs for which there is no adequate remedy at law.

40. Defendant Powerhouse Physiques' infringement of Plaintiffs' Trademark No. 1,840,536 is willful and deliberate.

COUNT II

Federal Trademark Counterfeiting Under Section 32(a) Of The Lanham Act, 15 U.S.C. §1114

41. Plaintiffs reallege and incorporate by reference the allegations contained in paragraphs 1 through 40 of this Complaint as if fully set forth herein.

42. Defendant Powerhouse Physiques has used POWERHOUSE which is the subject of United States Trademark Registration No. 1,840,536 in interstate commerce without the consent of Plaintiffs.

43. Defendant Powerhouse Physiques uses a POWERHOUSE name that is identical to or substantially indistinguishable from Plaintiffs' mark on the same goods to which Plaintiffs have applied the mark, which is likely to cause confusion, to cause mistake, and/or to deceive purchasers as to the source of Defendant Powerhouse Physiques' goods or as to Defendant Powerhouse Physiques' affiliation, connection, approval, or association with Plaintiffs.

44. Defendant Powerhouse Physiques' actions constitute counterfeiting in violation of Section 32(a) of the Lanham Act, 15 U.S.C. §1114.

45. Defendant Powerhouse Physiques' trademark counterfeiting has caused and will continue to cause Plaintiffs to suffer damage to their businesses, reputations, goodwill, profits, and the strength of their trademarks, and is causing

ongoing irreparable harm to Plaintiffs for which there is no adequate remedy at law.

46. Defendant Powerhouse Physiques' counterfeiting of Plaintiffs' Trademark No. 1,840,536 is willful and deliberate.

COUNT III

Federal Trademark Infringement Under Section 32(a) Of The Lanham Act, 15 U.S.C. §1114

47. Plaintiffs reallege and incorporate by reference the allegations contained in paragraphs 1 through 46 of this Complaint as if fully set forth herein.

48. Defendant Powerhouse Physiques has used:



in interstate commerce, which is confusingly similar to United States Trademark Registration No. 1,255,385 without the consent of Plaintiffs.

49. Defendant Powerhouse Physiques' use of:



is likely to cause confusion, to cause mistake, and/or to deceive purchasers as to the source of Defendant Powerhouse Physiques' goods and services or as to

Defendant Powerhouse Physiques' affiliation, connection, approval, or association with Plaintiffs.

50. Defendant Powerhouse Physiques' actions constitute trademark infringement in violation of Section 32(a) of the Lanham Act, 15 U.S.C. §1114.

51. Defendant Powerhouse Physiques' trademark infringement has caused and will continue to cause Plaintiffs to suffer damage to their businesses, reputations, goodwill, profits, and the strength of their trademarks, and is causing ongoing irreparable harm to Plaintiffs for which there is no adequate remedy at law.

52. Defendant Powerhouse Physiques' infringement of Plaintiffs' Trademark No. 1,255,385 is willful and deliberate.

COUNT IV

Federal Trademark Infringement Under Section 32(a) Of The Lanham Act, 15 U.S.C. §1114

53. Plaintiffs reallege and incorporate by reference the allegations contained in paragraphs 1 through 52 of this Complaint as if fully set forth herein.

54. Defendant Powerhouse Physiques has used POWERHOUSE in interstate commerce, which is confusingly similar to United States Trademark Registration No. 1,337,259 without the consent of Plaintiffs.

55. Defendant Powerhouse Physiques' use of POWERHOUSE is likely to cause confusion, to cause mistake, and/or to deceive purchasers as to the source of

Defendant Powerhouse Physiques' goods and services or as to Defendant Powerhouse Physiques' affiliation, connection, approval, or association with Plaintiffs.

56. Defendant Powerhouse Physiques' actions constitute trademark infringement in violation of Section 32(a) of the Lanham Act, 15 U.S.C. §1114.

57. Defendant Powerhouse Physiques' trademark infringement has caused and will continue to cause Plaintiffs to suffer damage to their businesses, reputations, goodwill, profits, and the strength of their trademarks, and is causing ongoing irreparable harm to Plaintiffs for which there is no adequate remedy at law.

58. Defendant Powerhouse Physiques' infringement of Plaintiffs' Trademark No. 1,337,259 is willful and deliberate.

COUNT V

Federal Trademark Infringement Under Section 32(a) Of The Lanham Act, 15 U.S.C. §1114

59. Plaintiffs reallege and incorporate by reference the allegations contained in paragraphs 1 through 58 of this Complaint as if fully set forth herein.

60. Defendant Powerhouse Physiques has used POWERHOUSE in interstate commerce, which is confusingly similar to United States Trademark Registration No. 4,839,908 without the consent of Plaintiffs.

61. Defendant Powerhouse Physiques' use of POWERHOUSE is likely to cause confusion, to cause mistake, and/or to deceive purchasers as to the source of Defendant Powerhouse Physiques' goods and services or as to Defendant Powerhouse Physiques' affiliation, connection, approval, or association with Plaintiffs.

62. Defendant Powerhouse Physiques' actions constitute trademark infringement in violation of Section 32(a) of the Lanham Act, 15 U.S.C. §1114.

63. Defendant Powerhouse Physiques' trademark infringement has caused and will continue to cause Plaintiffs to suffer damage to their businesses, reputations, goodwill, profits, and the strength of their trademarks, and is causing ongoing irreparable harm to Plaintiffs for which there is no adequate remedy at law.

64. Defendant Powerhouse Physiques' infringement of Plaintiffs' Trademark No. 4,839,908 is willful and deliberate.

COUNT VI

Federal Trademark Infringement Under Section 32(a) Of The Lanham Act, 15 U.S.C. §1114

65. Plaintiffs reallege and incorporate by reference the allegations contained in paragraphs 1 through 64 of this Complaint as if fully set forth herein.

66. Defendant Powerhouse Physiques has used POWERHOUSE which is the subject of United States Trademark Registration No. 4,526,650 in interstate commerce without the consent of Plaintiffs.

67. Defendant Powerhouse Physiques' use of POWERHOUSE is likely to cause confusion, to cause mistake, and/or to deceive purchasers as to the source of Defendant Powerhouse Physiques' goods and services or as to Defendant Powerhouse Physiques' affiliation, connection, approval, or association with Plaintiffs.

68. Defendant Powerhouse Physiques' actions constitute trademark infringement in violation of Section 32(a) of the Lanham Act, 15 U.S.C. §1114.

69. Defendant Powerhouse Physiques' trademark infringement has caused and will continue to cause Plaintiffs to suffer damage to their businesses, reputations, goodwill, profits, and the strength of their trademarks, and is causing ongoing irreparable harm to Plaintiffs for which there is no adequate remedy at law.

70. Defendant Powerhouse Physiques' infringement of Plaintiffs' Trademark No. 4,526,650 is willful and deliberate.

COUNT VII

Federal Trademark Infringement Under Section 32(a) Of The Lanham Act, 15 U.S.C. §1114

71. Plaintiffs reallege and incorporate by reference the allegations contained in paragraphs 1 through 70 of this Complaint as if fully set forth herein.

72. Defendant Powerhouse Physiques has used POWERHOUSE which is the subject of United States Trademark Registration No. 4,391,669 in interstate commerce without the consent of Plaintiffs.

73. Defendant Powerhouse Physiques' use of POWERHOUSE is likely to cause confusion, to cause mistake, and/or to deceive purchasers as to the source of Defendant Powerhouse Physiques' goods and services or as to Defendant Powerhouse Physiques' affiliation, connection, approval, or association with Plaintiffs.

74. Defendant Powerhouse Physiques' actions constitute trademark infringement in violation of Section 32(a) of the Lanham Act, 15 U.S.C. §1114.

75. Defendant Powerhouse Physiques' trademark infringement has caused and will continue to cause Plaintiffs to suffer damage to their businesses, reputations, goodwill, profits, and the strength of their trademarks, and is causing ongoing irreparable harm to Plaintiffs for which there is no adequate remedy at law.

76. Defendant Powerhouse Physiques' infringement of Plaintiffs' Trademark No. 4,391,669 is willful and deliberate.

COUNT VIII

Federal Trademark Infringement Under Section 32(a) Of The Lanham Act, 15 U.S.C. §1114

77. Plaintiffs reallege and incorporate by reference the allegations contained in paragraphs 1 through 76 of this Complaint as if fully set forth herein.

78. Defendant Powerhouse Physiques has used:



in interstate commerce, which is confusingly similar to United States Trademark Registration No. 4,843,988 without the consent of Plaintiffs.

79. Defendant Powerhouse Physiques' use of:



is likely to cause confusion, to cause mistake, and/or to deceive purchasers as to the source of Defendant Powerhouse Physiques' goods and services or as to

Defendant Powerhouse Physiques' affiliation, connection, approval, or association with Plaintiffs.

80. Defendant Powerhouse Physiques' actions constitute trademark infringement in violation of Section 32(a) of the Lanham Act, 15 U.S.C. §1114.

81. Defendant Powerhouse Physiques' trademark infringement has caused and will continue to cause Plaintiffs to suffer damage to their businesses, reputations, goodwill, profits, and the strength of their trademarks, and is causing ongoing irreparable harm to Plaintiffs for which there is no adequate remedy at law.

82. Defendant Powerhouse Physiques' infringement of Plaintiffs' Trademark No. 4,843,988 is willful and deliberate.

COUNT IX

Federal Unfair Competition, False Designation Of Origin, False Representation, And False Advertising Under Section 43(a) Of The Lanham Act, 15 U.S.C. §1125(a)

83. Plaintiffs reallege and incorporate by reference the allegations contained in paragraphs 1 through 82 of this Complaint as if fully set forth herein.

84. Defendant Powerhouse Physiques has used POWERHOUSE in interstate commerce without the consent of Plaintiffs.

85. Defendant Powerhouse Physiques' use of POWERHOUSE is likely to cause confusion, to cause mistake, and/or to deceive purchasers as to the source of

Defendant Powerhouse Physiques' goods and services or as to Defendant Powerhouse Physiques' affiliation, connection, approval, or association with Plaintiffs.

86. Defendant Powerhouse Physiques' actions constitute unfair competition, false designation of origin, false representation, and false advertising in connection with products and services distributed in interstate commerce in violation of Section 43(a) of the Lanham Act, 15 U.S.C. §1125(a).

87. Defendant Powerhouse Physiques' unfair competition has caused and will continue to cause Plaintiffs to suffer damages to their businesses, reputations, goodwill, profits, and the strength of their trademarks, and is causing ongoing irreparable harm to Plaintiffs for which there is no adequate remedy at law.

88. Defendant Powerhouse Physiques' actions constituting unfair competition, false designation of origin, false representation, and false advertising are willful and deliberate.

COUNT X

Common Law Trademark Infringement And Unfair Competition

89. Plaintiffs reallege and incorporate by reference the allegations contained in paragraphs 1 through 88 of this Complaint as if fully set forth herein.

90. Defendant Powerhouse Physiques' has used and continues to use POWERHOUSE to promote, market, and/or sell products and/or services in Michigan.

91. Defendant Powerhouse Physiques' use of POWERHOUSE is likely to cause confusion, to cause mistake, and/or to deceive purchasers as to the source of origin of Defendant Powerhouse Physiques' goods and/or services.

92. Defendant Powerhouse Physiques' actions in Michigan constitute trademark infringement and unfair competition under the Common Law of Michigan.

93. Plaintiffs have been irreparably injured, and will continue to be irreparably injured unless the conduct of Defendant Powerhouse Physiques in Michigan is preliminarily and permanently enjoined.

94. Defendant Powerhouse Physiques undertook the adoption of POWERHOUSE willfully or with reckless intention of trading upon the goodwill of Plaintiffs.

REQUEST FOR RELIEF

WHEREFORE, Plaintiffs Powerhouse Marks, LLC and Powerhouse Licensing, LLC respectfully requests that this Honorable Court:

A. Preliminarily and permanently enjoin Defendant Powerhouse Physiques, their agents, servants, employees, privies, successors, and assigns, and all claiming any rights through it, from manufacturing, marketing, or selling products or providing services constituting trademark infringement, counterfeiting, or unfair competition against Plaintiffs and from being engaged in other activities constituting trademark infringement, counterfeiting, or unfair competition against Plaintiffs;

B. Order Defendant Powerhouse Physiques to recall and surrender for destruction all products, advertisements, and other materials and uses constituting trademark infringement, counterfeiting, or unfair competition against Plaintiffs' rights;

C. Award Plaintiffs compensatory and exemplary damages for the Counts stated herein, including income and profits Plaintiffs lost and may lose in the future as a result of Defendant Powerhouse Physiques' unlawful activities including trademark infringement, counterfeiting, and unfair competition, together with any costs, and for a sum up to three times the amount found as damages;

D. Award Plaintiffs the profits of Defendant Powerhouse Physiques under 15 U.S.C. §1117 for Defendant Powerhouse Physiques trademark infringement, counterfeiting, and unfair competition and other violations of the Lanham Act, to be adjusted for such sum as the Court shall find to be just;

E. Award Plaintiffs any additional damages, including statutory damages, exemplary damages, and/or punitive damages, to which it is entitled for Defendant Powerhouse Physiques' trademark infringement, counterfeiting, and unfair competition;

F. Declare this case exceptional under 15 U.S.C. §1117;

G. Award Plaintiffs their costs and reasonable attorneys' fees under 15 U.S.C. §1117; and

H. Grant Plaintiffs any and such other further relief that the Court deems just and equitable.

Respectfully submitted,

by /s/ Richard W. Hoffmann
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*Attorneys for Plaintiffs Powerhouse Marks,
LLC and Powerhouse Licensing, LLC*

Date: January 22, 2016

JURY DEMAND

Plaintiffs Powerhouse Marks, LLC and Powerhouse Licensing, LLC, hereby demand a trial by jury on all issues so triable.

Respectfully submitted,

by /s/ Richard W. Hoffmann
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Date: January 22, 2016